

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

MICHAEL JOHNSON,
Plaintiff,

Case No. 1:20-cv-157

McFarland, J.
Litkovitz, M.J.

vs.

BRYAN LAWLESS,
Defendant.

**REPORT AND
RECOMMENDATION**

This matter is before the Court on defendant's motion to dismiss this case pursuant to Fed. R. Civ. P. 41(b) due to plaintiff's alleged failure to prosecute the case. (Doc. 68). Plaintiff has responded to the motion (Doc. 71), and the undersigned has granted plaintiff's motion for an extension of time to respond to defendant's motion for summary judgment (Doc. 70), which plaintiff filed on September 7, 2021.

It is therefore **RECOMMENDED** that defendant's motion to dismiss for lack of prosecution (Doc. 68) be **DENIED** as moot.

Date: 9/9/2021


Karen L. Litkovitz
United States Magistrate Judge

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), **WITHIN 14 DAYS** after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections **WITHIN 14 DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).